

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES DARNELL JACKSON, as Personal
Representative of the Estate of DOYLE M.
JACKSON, Deceased,

File No. 1:09-cv-553

Plaintiff,

HON. ROBERT HOLMES BELL

v.

BENTON HARBOR POLICE OFFICER
JIM WILKINS, et al.,

Defendants.

AMENDED MEMORANDUM OPINION AND ORDER

Berrien County Defendants have filed a motion to redact the appeal transcript of oral arguments made before this Court. (Dkt. No. 169, Mot.; Dkt. No. 167, Transcript). The motion concerns references in the transcript to still photographs taken from video evidence. The video evidence had been placed under seal prior to the hearing (Dkt. No. 156), but the still photographs in question were never filed, and were not retained by the Court. Berrien County Defendants now seek to redact all reference to the still photographs in the transcript.

Pursuant to Fed. R. Civ. P. 10(e)(1), this Court must settle any dispute regarding the accuracy of the record, and conform the record accordingly. However, the relief sought by Berrien County Defendants would not promote accuracy. There is no dispute concerning the accuracy of the transcript; counsel for Plaintiff did indeed present the court with still photographs derived from video evidence. Redaction of references to the still photographs

would hinder rather than promote a complete and accurate record of the proceeding.

To the extent that Berrien County Defendants are concerned with completeness of the record, the Court finds that the video evidence from which the stills are wholly derived is sufficient. However, should Berrien County Defendants so desire, they may file a separate motion for an order requiring Plaintiff to supplement the record with sealed copies of the still photographs presented at hearing. Accordingly,

IT IS HEREBY ORDERED that Berrien County Defendants' motion to redact transcript (Dkt. No. 169) is **DENIED**.

Date: July 17, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE